

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

APR 08 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

PROMETHEUS DEVELOPMENT  
COMPANY, INC.; et al.,

Plaintiffs - Appellants,

v.

EVEREST PROPERTIES; et al.,

Defendants - Appellees.

No. 06-16426

D.C. No. CV-06-02751-WHA

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Northern District of California  
William H. Alsup, District Judge, Presiding

Argued and Submitted February 11, 2008  
San Francisco, California

Before: THOMPSON and M. SMITH, Circuit Judges, and HAYES<sup>\*\*</sup>, District  
Judge.

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The Honorable William Q. Hayes, United States District Judge for the  
Southern District of California, sitting by designation.

The Plaintiffs-Appellants appeal from the dismissal of their suit to enjoin state civil proceedings. Because the parties are already familiar with the facts, we do not recount them here.

Plaintiffs-Appellants argue that the injunction they seek is justified under an exception to the Anti-Injunction Act, 28 U.S.C. § 2283, allowing a federal court to enjoin the proceedings of a state court “to protect or effectuate its judgments.”

This court has reversed the judgment on which Plaintiffs-Appellants rely. *See Perretta v. Prometheus Development Corp*, No. 06-15526, 2008 WL 795353 (9th Cir. Mar. 27, 2008). There is thus no longer any judgment for a federal court to protect or effectuate, and the case is, therefore, moot. *Cf. Woods Exploration & Producing Co. v. Aluminum Co. of America*, 438 F.2d 1286, 1316 (5th Cir. 1971).

All pending motions before this court in this case are likewise rendered moot.

DISMISSED.